

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC**

Served: April 5, 1996

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**U.S.-Brazil All-Cargo Charters  
1996/1997 Charter Year  
Docket OST-96-1242**

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**NOTICE**

The Government of Brazil has agreed to permit U.S. carriers to operate 450 U.S.-Brazil all-cargo charters for the 1996/1997 charter year (July 1, 1996 through June 30, 1997). In view of the strong demand for these charters in the 1995/1996 charter year, it is possible that the demand for charters may exceed the number available. Therefore, we invite all U.S. carriers interested in providing all-cargo charter service in the U.S.-Brazil market to submit applications with the Department's Docket Section, Room PL 401, 400 Seventh Street, SW, Washington, DC 20590 in Docket OST-96-1242 no later than April 12, 1996. Answers to those applications will be due April 18, 1996.

Applications should include (1) the number of flights requested; (2) the aircraft to be used, the payload capacity of those aircraft, and the availability of those aircraft for the proposed services; (3) the markets to be served; (4) the cargo to be carried; (5) whether the flights will be *ad hoc* or under contract for a series of flights with one or more charterers; (6) evidence showing the likelihood that the flights will be operated, including the charter contract where available;<sup>1</sup> (7) whether a partial grant of the requested number of charters would affect the likelihood that such charters will be operated, and, if so, the minimum number of flights the applicants will accept; and (8) any other information the applicant believes would be useful to our determination.

Should the number of charters requested exceed the number available, the Department will proceed to allocate the flights using show-cause procedures. In this regard, U.S.-Brazil charters are very valuable and we do not intend that they be wasted. We intend to review carefully our records as to whether allocations were used in the amounts

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<sup>1</sup> Applicant carriers may seek confidential treatment under our regulations, 14 CFR 302.39, of any charter contracts filed.

awarded. Therefore, should carriers that were allocated flights for the 1995/1996 charters fail to

use their allotments or fail to return flights in a timely manner, the presumption will be that their awards for this charter year, if any, may be reduced by the same number of charters they failed to use in the 1995/1996 charter year.

We recognize that the Department has recently issued a show-cause order tentatively awarding new scheduled all-cargo authority in the U.S.-Brazil market, and that these new awards could affect carrier applications in this proceeding. We also recognize that a final decision in that case may not issue before applications in this proceeding are due. However, given the imminence of the 1996/1997 charter year, we believe it is important to begin procedures now to ensure that a final decision on allocation of the charters can be completed in time for the 1996/1997 charter year. In these circumstances, we will afford applicant carriers an opportunity to amend their applications to the extent necessary should their requests change as a result of a final decision in the *U.S.-Brazil All Cargo Service Proceeding*.

By:

CHARLES A. HUNNICUTT  
Assistant Secretary for Aviation  
and International Affairs

(SEAL)

Dated: April 5, 1996

*An electronic version of this order is available on the World Wide Web at  
<http://www.dot.gov/dotinfo/general/orders/aviation.html>.*

